

Application for permission to appeal against a decision of the first-tier tribunal (Property Chamber) in England, or a Leasehold Valuation or Residential Property tribunal in Wales

Important! Please read the attached guidance notes before completing this form.

This appeal relates to:

- | | | |
|---|---|---|
| <input type="checkbox"/> Leasehold Enfranchisement | <input type="checkbox"/> Extension of a Lease | <input type="checkbox"/> Landlord's Enfranchisement costs |
| <input type="checkbox"/> Service, Estate or Administration Charges | <input type="checkbox"/> The Appointment of a Manager/Right to Manage | <input type="checkbox"/> Insurance Charges |
| <input type="checkbox"/> Variation of a Lease | <input type="checkbox"/> Forfeiture | <input type="checkbox"/> Breach of Tenant's covenants |
| <input type="checkbox"/> An Improvement Notice | <input type="checkbox"/> A Prohibition Order | <input type="checkbox"/> A HMO or other house licence |
| <input type="checkbox"/> An Emergency Remedial Action Order | <input type="checkbox"/> A Demolition Order | <input type="checkbox"/> A Slum Clearance Declaration |
| <input type="checkbox"/> An Overcrowding Notice or Management Order | <input type="checkbox"/> An Emergency Prohibition Notice | <input type="checkbox"/> An Empty Dwelling Management Order |
| <input type="checkbox"/> An Agricultural Tenancy Succession | <input type="checkbox"/> Land Drainage | <input type="checkbox"/> Rent |
| <input type="checkbox"/> A Park Home | <input type="checkbox"/> Right-to-buy Determination | <input type="checkbox"/> Other |

Applicant's details

Name	<input type="text"/>
Address (including postcode)	<input type="text"/>
Telephone	<input type="text"/>
Fax	<input type="text"/>
Email	<input type="text"/>

The applicant is the:

- | | |
|---|--|
| <input type="checkbox"/> Freeholder/Head Landlord | <input type="checkbox"/> Intermediate Landlord |
| <input type="checkbox"/> Leaseholder/tenant | <input type="checkbox"/> Local Housing Authority |
| <input type="checkbox"/> Other | |

Applicant's solicitor or other representative

Name	<input type="text"/>
Address (including postcode)	<input type="text"/>
Telephone	<input type="text"/>
Fax	<input type="text"/>
Email	<input type="text"/>

Respondent

Name	<input type="text"/>
Address (including postcode)	<input type="text"/>
Telephone	<input type="text"/>
Fax	<input type="text"/>
Email	<input type="text"/>

Respondent's solicitor or other representative

Name

Address
(including
postcode)

Telephone

Fax

Email

Property

Address
(including
postcode)

Type of
property

The Tribunal's decision I seek for permission to appeal is

Name of Tribunal

Tribunal's case number

Date of Tribunal's main
decision

Date of Tribunal's decision
refusing permission to appeal

Grounds of appeal

☐

The decision shows that the Tribunal wrongly interpreted or wrongly applied the relevant law

☐

The decision shows that the Tribunal misinterpreted, disregarded or wrongly applied a relevant principle of valuation or other professional practice

☐

The Tribunal took account of irrelevant considerations, or failed to take account of relevant considerations or evidence, or there was a substantial procedural defect

☐

The point or points at issue is, or are, of potentially wide implications

☐

Other reasons

Determination of this application

I would prefer this application to be dealt with:

☐ At a hearing ☐ Without a hearing

for the following reasons:

Type of procedure

If permission to appeal is given I would like the appeal to be heard as:

☐ a review ☐ a review with a view to rehearing ☐ a rehearing

And by the

☐ Standard procedure ☐ Simplified procedure
☐ Special procedure ☐ Written representations procedure

I consider this procedure the most suitable because:

I intend to call an expert witness at the hearing of the appeal ☐ Yes ☐ No ☐ Possibly

I may wish to call more than one expert witness ☐ Yes ☐ No ☐ Possibly

Enclosures

I have enclosed with this application for permission to appeal:

- Sufficient copies of this application for service upon each of the respondents, and upon the Tribunal whose decision I seek to challenge.
- A copy of the Tribunal's main decision.
- A copy of the Tribunal's decision refusing permission to appeal, and its covering letter.
- Authority to act, signed by the applicant (if applicable).
- A cheque made payable to 'HM Courts & Tribunals Service' for £220 for the fee for applying for permission to appeal.

Declaration, signature and date

I accept responsibility for the conduct of the case and the payment of fees that fall due.

Signed _____ Print name _____

Date _____ Status _____

Form guidance notes

Is this the right form for your application?

- Use this form in respect of a decision of the First-tier Tribunal (Property Chamber) in England or a Leasehold Valuation Tribunal or a Residential Property Tribunal in Wales **and** where the Tribunal has refused you permission to appeal.
- If permission to appeal has been given to you by the Tribunal concerned use Form T601 AF.
- Please detach and keep these guidance notes. Please don't return them with the appeal form when you file it.

When must the form be lodged?

When you have completed it the form, and its requisite enclosures, must be returned to us so that it is received at the Tribunal's offices within 14 days after the date that the Tribunal whose decision you seek to challenge sent to you its decision refusing permission to appeal.

Late applications

If you are unable to lodge this form and its enclosures within the time period prescribed, you must apply for permission to lodge it late (i.e. permission to extend the time period for lodging the application for permission to appeal). You must give your reasons for requiring additional time and say how long you need. You must send a copy of your application to lodge the application late directly to all the respondents and confirm that you have done so. You must also tell them that if they wish to object to your application to lodge the application for permission to appeal late they must write to the Tribunal explaining why they object within 10 days of receipt of the application. You must also pay an additional application fee of £110.

The applicant

- The applicant must have been a party to the proceedings before the Tribunal whose decision is being challenged.
- Where more than one person wants permission to appeal the names and addresses of all applicants must be stated. Attach a list separately if necessary.
- Where there is more than one applicant please indicate which of them is the person with whom the Tribunal should correspond. The Tribunal will not correspond with more than one applicant where a joint application is made.
- If permission to appeal is given, the applicant will thereafter be described as 'the appellant' in these proceedings, even if they were the respondent to the proceedings in the Tribunal whose decision is being challenged.

The applicant's solicitor or other representative

- If this section is completed all communications from the Upper Tribunal and other parties regarding this application will be sent or delivered to the appointed solicitor or representative.
- A representative who is not a solicitor must enclose an authority to act signed by the persons they represent and confirming that the representative is appointed to represent them.

Property

Please give the full address, including the postcode of the property subject of the application, and a brief description of its type, for example, 'A three-storey, mid-terraced house, converted into three self-contained flats.'

Determination of the application

Normally, the application will be determined without a hearing, unless the Tribunal decides that one is necessary or desirable, but your views are taken into consideration before making that decision.

Grounds of Appeal

Please tick the appropriate box or boxes on the form and set out in a separate attachment, formulated as a complete statement of your case, your full reasons for taking the view that the Tribunal whose decision you seek to challenge was wrong, addressing each ground relied on in turn. Permission to appeal will be given only if it appears to the Upper Tribunal that there are grounds for concluding that the decision may have been wrong for one or more of the grounds set out in the form. The Tribunal must be satisfied that there is a reasonable prospect that the appeal could succeed and that an appeal would be proportionate.

Review or rehearing?

If permission to appeal is given, an appeal may proceed in one of three ways. The Tribunal will decide which procedure is appropriate after taking your views and the views of any respondent to the appeal into account.

- In an appeal by way of **review** the Tribunal is asked to decide whether the decision being challenged was correct based on the evidence that was put before it. No evidence is heard by the Upper Tribunal in this process.
- In an appeal by way of **review with a view to rehearing**, no further evidence is initially heard by the Upper Tribunal, but if it concludes that the Tribunal whose decision is being challenged incorrectly applied the law, or that its process contained serious procedural errors, a new hearing will then take place before the Upper Tribunal.
- In an appeal by way of **rehearing**, there is a full rehearing of the case (or part of the case, if permission to appeal is limited) by the Upper Tribunal with each party calling the evidence they rely upon to establish their case. The Tribunal may allow the parties to present new evidence that was not given before the Tribunal whose decision is being challenged.

Type of procedure

Please see paragraph 3 of the Practice Directions on our website for an explanation of the different types of procedures the Tribunal uses and indicate which one you believe is the most appropriate one for your appeal, if permission to appeal is given.

Expert witnesses

The rules limit the number of expert witnesses that a party may rely on. Normally parties are limited to relying on the evidence of one expert witness for appeals. Permission is required from the Tribunal to call more than one expert witness.

Enclosures

- The Upper Tribunal does not have access to the files of any other tribunal so it is very important that you include complete copies of the decision in respect of which you seek permission to appeal, the decision refusing permission to appeal, and the covering letter which accompanied the latter.
- Additional fees, such as hearing or determination fees, will be payable during the course of the appeal. Please see the attached guidance note on fees.
- Failure to include all of the documents listed without good reason may result in your application being struck out.

Where to send or deliver the documents:

The Upper Tribunal (Lands Chamber)
5th Floor
Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL
DX: 160042 Strand 4
Tel: 020 7612 9710
Fax: 0870 761 7751

Guidance on fees

1. The fee to lodge an application for permission to appeal against a decision of a First-tier Tribunal is £220.
2. The fee to lodge an appeal against a decision of a First-tier Tribunal is £275.
3. The fee for an interlocutory application (any application to the Registrar or the President during the course of proceedings), is £110 per application.
4. The fee for a consent order is £165. This is payable for an order approved by the Tribunal disposing of an appeal on terms agreed by the parties.
5. There is no fee payable for the withdrawal of an appeal.
6. When an appeal is determined, by hearing or otherwise, a hearing fee is payable by the appellant (unless the Tribunal directs otherwise). The amount is 2% of the sum determined (or 2% of the annual rent, as the case may be) by the Tribunal subject to a £275 minimum and £16,500 maximum. If the decision of the Tribunal is not based on an amount, the fee is £550.
7. You can make an application to waive, reduce or refund fees if you are in receipt of certain benefits or are on a low income. You can get the 'EX160 - Apply for help with fees' guide and application form online, <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do> or from the office on request.